

## State Water Resources Control Board

Division of Drinking Water

February 4, 2019

System No. 1700710

Jack Lair, Owner  
Hidden Valley Food Mart  
18540 Grange Road  
Middletown, CA 95461

### **CITATION NO. 02\_03\_19C\_005 BACTERIOLOGICAL MONITORING VIOLATION – DECEMBER 2018**

Enclosed is Citation No. 02\_03\_19C\_005 (hereinafter Citation) issued to the Hidden Valley Food Mart (hereinafter System) by the State Water Resources Control Board, Division of Drinking Water (hereinafter Division) for the failure to collect a routine bacteriological sample in December 2018.

Please note that there are legally enforceable deadlines associated with this Citation.

The System will be billed at the State Water Resources Control Board's (hereinafter State Water Board) hourly rate for the time spent on issuing this Citation. California Health and Safety Code (hereinafter CHSC), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to preparing, issuing, and monitoring compliance with a citation. At this time, the State Water Board has spent approximately 2 hours on enforcement activities associated with this violation.

The System will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the System for the current fiscal year.

Any person who is aggrieved by a citation, order, or decision issued under authority delegated to an officer or employee of the State Water Board under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4) may file a petition with the State Water Board for reconsideration of the citation, order, or decision (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order, or decision by the officer or employee of the State Water Board. The date of issuance is the date when the Division mails a copy of the citation, order, or decision. If the

30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m. Information regarding filing petitions may be found at:

[http://www.waterboards.ca.gov/drinking\\_water/programs/petitions/index.shtml](http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml)

If you have any questions regarding this matter, please contact Lori Hanson of my staff at (707) 576-2604.

Sincerely,



Sheri K. Miller, P.E.  
Mendocino District Engineer  
Division of Drinking Water  
State Water Resources Control Board

Enclosure                      Citation No. 02\_03\_19C\_005

c:      Lake County Environmental Health Department  
         Matt Foster, P.E., Division of Drinking Water (via email)

Hidden Valley Food Mart  
18696 Putah Lane  
Middletown, CA 95461

STATE OF CALIFORNIA  
WATER RESOURCES CONTROL BOARD  
DIVISION OF DRINKING WATER

**Name of Public Water System:** Hidden Valley Food Mart

**Water System No:** 1700710

**Attention:** Jack Lair, Owner  
18540 Grange Road  
Middletown, CA 95461

**Issued:** February 4, 2019

**CITATION FOR NONCOMPLIANCE WITH  
CALIFORNIA HEALTH AND SAFETY CODE, SECTION 116555(a)(1) AND  
SECTION 64423, TITLE 22, OF THE CALIFORNIA CODE OF REGULATIONS  
ROUTINE BACTERIOLOGICAL MONITORING  
December 2018**

The California Health and Safety Code (hereinafter CHSC), Section 116650 authorizes the State Water Resources Control Board (hereinafter State Water Board), to issue a citation to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter California SDWA), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.



1 The State Water Board, acting by and through its Division of Drinking Water  
2 (hereinafter "Division"), and the Deputy Director for the Division, hereby issues  
3 Citation No. 02\_03\_19C\_005 (hereinafter Citation), pursuant to Section 116650 of  
4 the CHSC, to the Hidden Valley Food Mart (hereinafter System) for the violation of  
5 Section 116555(a)(1), CHSC, and Section 64423, Title 22, of the California Code of  
6 Regulations (CCR).

### 8 **STATEMENT OF FACTS**

9 The Hidden Valley Food Mart is classified as a transient, noncommunity public water  
10 system that serves 2 connections and a daily population of at least 25.

11  
12 Pursuant to Sections 64423 and 64423.1, Title 22, of the CCR, the System is required  
13 to collect one routine bacteriological sample per month from the distribution system  
14 and report the findings to the Division no later than the 10<sup>th</sup> day of the following month.  
15 As of the date of this citation, the Division has not received results for a routine  
16 bacteriological sample collected from the distribution system of the Hidden Valley  
17 Food Mart during the month of December 2018.

18  
19 CHSC, Section 116555(a)(1) requires all public water systems to comply with primary  
20 drinking water standards as defined in CHSC, Section 116275(c). Primary drinking  
21 water standards include maximum levels of contaminants and the monitoring and  
22 reporting requirements as specified in regulations adopted by the State Water Board  
23 that pertain to maximum contaminant levels.

## DETERMINATIONS

The Division has determined that the Hidden Valley Food Mart violated Section 116555(a)(1), CHSC, and Section 64423, Title 22, of the CCR because the System failed to collect a routine bacteriological sample in December 2018.

## DIRECTIVES

The Hidden Valley Food Mart is hereby directed to take the following actions:

1. Comply with Section 116555(a)(1), of the CHSC, and with Section 64423, Title 22, of the California Code of Regulations in all future monitoring periods.
2. On or before **March 1, 2019**, notify all persons served by the System of the monitoring violations, in conformance with Section 64463.4 and Section 64465, Title 22 of the CCR. The Public Notification Template in Appendix 1 must be used to fulfill this directive for both methods of notification. **The System shall complete the corrective actions section and contacts section of the template before notifying the customers.** The System shall post copies of the completed notice in various conspicuous locations within the water system for a minimum of seven (7) days. In addition, a second method of notification must be chosen (see Appendix 2 - Compliance Certification). This second method of public notification must also be completed no later than **March 1, 2019**.
3. The System shall complete Appendix 2: Compliance Certification. Submit completed Appendix 2, together with **proof of the two methods** of public notification, to the Division no later than **March 12, 2019**.

1 All documents required by this Citation shall be submitted to the Division electronically  
2 to [dwpdist03@waterboards.ca.gov](mailto:dwpdist03@waterboards.ca.gov) or by mail to the following address:

3  
4 State Water Resources Control Board  
5 Division of Drinking Water - Mendocino District  
6 50 D Street, Suite 200  
7 Santa Rosa, CA 95404  
8

9 The State Water Board reserves the right to make such modifications to this Citation,  
10 as it deems necessary to protect public health and safety. Such modifications may  
11 be issued as amendments to this Citation and shall be effective upon issuance.  
12

13 Nothing in this Citation relieves the System of its obligation to meet the requirements  
14 of the California Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4,  
15 commencing with Section 116270), or any regulation, standard, permit or order  
16 issued or adopted thereunder.

#### 17 **PARTIES BOUND**

18 This Citation shall apply to and be binding upon the System, its owners, shareholders,  
19 officers, directors, agents, employees, contractors, successors, and assignees.  
20

#### 21 **SEVERABILITY**

22 The directives of this Citation are severable, and the System shall comply with each  
23 and every provision thereof, notwithstanding the effectiveness of any provision.  
24



1

2 **FURTHER ENFORCEMENT ACTION**

3 The California SDWA authorizes the State Water Board to: issue a citation or order  
4 with assessment of administrative penalties to a public water system for violation or  
5 continued violation of the requirements of the California SDWA or any regulation,  
6 permit, standard, citation, or order issued or adopted thereunder including, but not  
7 limited to, failure to correct a violation identified in a citation or compliance order. The  
8 California SDWA also authorizes the State Water Board to take action to suspend or  
9 revoke a permit that has been issued to a public water system if the public water  
10 system has violated applicable law or regulations or has failed to comply with an order  
11 of the State Water Board, and to petition the superior court to take various  
12 enforcement measures against a public water system that has failed to comply with  
13 an order of the State Water Board. The State Water Board does not waive any further  
14 enforcement action by issuance of this Citation.

15 

16 Sheri K. Miller, P.E.

17 Mendocino District Engineer

18 Division of Drinking Water

19 State Water Resources Control Board

02-04-2019

Date

20

21 **Appendices (2):**

- 22 1. Public Notification Template
- 23 2. Compliance Certification Form
- 24



25 Certified Mail No. 7016 0910 0001 2050 1195

26

27 1700710/ComplianceFile#4/02\_03\_19C\_005\_1700710\_3A/LSH

## **IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER**

Este informe contiene informacion muy importante sobre su agua potable. Traduzcalo o hable con alguien que lo entienda bien.

<p><b>The Hidden Valley Food Mart Failed to Test the Drinking Water for Bacteria December 2018</b></p>
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We failed to test our drinking water for bacteria during December 2018. Routine sampling of the water system is required by the California Code of Regulations. Although this is not an emergency, as our customers, you have a right to know what happened, what you should do, and what we did to correct the situation. Please share this information with other people who drink this water, especially those who may not have received this notice directly. You can do this by posting this notice in a public place or giving out copies by hand or mail.

### **What should I do?**

You do not need to take any corrective actions at this time. This is not an emergency. If you have health concerns, you may wish to consult your doctor. General guidelines on regulated contaminants in drinking water are available from EPA's Safe Drinking Water Hotline at (800) 426-4791.

### **What happened?**

We routinely monitor our drinking water for contaminants. But in December 2018, we failed take a sample from the drinking water in our distribution system to test it for bacteria. Our water system failed to comply with the sampling regulations, as specified in Section 64423, Title 22 of the California Code of Regulations (CCR).

### **What does this mean?**

The State Water Resources Control Board, Division of Drinking Water (Division) sets drinking water standards and has determined that the presence of total coliform bacteria is a possible health concern. Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially harmful, bacteria may be present. Coliform bacteria indicate the possibility of potential contamination and may originate from human, animal, or soil sources. *E. coli* bacteria can cause illness, especially in children and the elderly. If drinking water standards are not met, drinking the water may not necessarily result in illness, but that possibility exists. Routine and follow up sampling are important to periodically verify the safety of the water. In December 2018, the Hidden Valley Food Mart did not conduct the required testing of the water. This is a violation of the regulations, specifically Section 64423, Title 22 of the California Code of Regulations (CCR).



**Has the problem been resolved? What corrective actions have been taken by Hidden Valley Food Mart to prevent this violation from occurring in the future?**

This notification of the public is being done in compliance with Sections 64463.4 and 64465, Title 22 of the CCR as a means of keeping the public informed.

Persons wishing more information should contact:

\_\_\_\_\_  
(name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(phone number)

PUBLIC WATER SYSTEM NO. 1700710

Date:\_\_\_\_\_

## APPENDIX 2 - COMPLIANCE CERTIFICATION

Citation Number: 02\_03\_19C\_005

Name of Water System: **Hidden Valley Food Mart**

System Number: **1700710**

As required by Section 116450 of the California Health and Safety Code, I certify that the users of the water supplied by this water system were notified of the violation of Title 22, California Code of Regulations. In addition, I certify that the Hidden Valley Food Mart complied with the directives of this citation as indicated below:

Required Action	Date Completed
<b>Public Notification – First Method (REQUIRED)</b> <input type="checkbox"/> Complete Appendix 1, as required in <b>Directive 2</b> , on page 3 of this citation. Then post copies of the notice in conspicuous locations throughout the Hidden Valley Food Mart for 7 days (attach photos of posted notices, specify locations and dates of posting).	<div></div>
<b>Public Notification – Second Method</b> <u>Choose one of the following:</u> <input type="checkbox"/> Publication in a local newspaper or newsletter (attach copy of published notice in newspaper or newsletter); OR <input type="checkbox"/> Deliver completed notice to each customer of the water system. Use mail or direct delivery (attach copy of notice used for delivery); OR <input type="checkbox"/> Posting on the Internet or intranet (attach printout of website page).	<div></div>

Signature of Water System Representative

Date

**THIS FORM MUST BE COMPLETED AND RETURNED WITH ATTACHMENTS TO THE DIVISION  
NO LATER THAN March 12, 2019**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day the violation continues or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.